In the High Court of Judicature for Rajasthan
Jaipur Bench
**
Cr. Msc. Petition No.1717/2007
Badan Shyam & (3) Ors. ***Versus***
State & Om Prakash

Date of Order ::: 06/12/07

Hon'ble Mr. Justice Ajay Rastogi

Mr. Tripurari Sharma, for petitioners
Mr. Arun Sharma, Public Prosecutor.

Instant petition has been preferred against order dt.27/02/07 whereby Addl. Chief Judl. Mag. No.3, Bharatpur took cognizance of offences U/s 143, 379 & 427, IPC against the petitioners – against which Cr. Rev-90/07 was preferred but dismissed by Addl. Sess. Judge NO.2, Bharatpur vide order dt.18/08/07.

Private complaint was filed by Om Prakash (complainant) alleging inter-alia that he had sown crop of mustard and accused petitioners in mid night of 14/15th November, 2006 harvested the same causing loss of Rs.15,000/-. Statement of complainant and his witness Rohtan Singh were recorded U/s 202 CrPC. After taking note whereof, learned trial Magistrate took cognizance of offences U/s 143, 379 & 427, IPC against the petitioners vide order impugned and the Court of Revision did also not find any substance to interfere with the order taking cognizance.

Counsel submits that the land in question bearing Khasra No.401 measuring 0.41 hectare in fact belongs to him much before the day of alleged incident when FIR was lodged; as such complaint appears to be concocted story of complainant.

Documents on which the petitioner placed reliance cannot be looked into at this stage. This Court does not find any infirmity in the orders impugned which may call for interference.

Consequently, misc. petition fails and is hereby dismissed. However, petitioners will be at liberty to place any documents in counter under law at appropriate stage pendente trial.

(**Ajay Rastogi), J.**

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